

SUNY ONEONTA – Mohawk Valley Community College Campus  
*ANNUAL CAMPUS SAFETY REPORT*  
**Calendar year 2021**  
**Prepared in 2022**

***Report Overview and Background***

At SUNY Oneonta, the safety and well-being of our students, faculty, staff, and visitors is our highest priority. A safe and secure environment can be achieved only through the cooperation of all members of the campus community. This publication is part of our effort to ensure the safety of all through successful collaboration and preventive measures. We hope you read it carefully and use the information to help foster a safe environment for yourself and others.

This report is filed as required by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act (hereafter referred to as the Campus Safety Act) and the Higher Education Opportunity Act (P.L. 110-315). This law mandates that institutions receiving Title IV federal funds disseminate crime statistics for certain serious offenses that occurred on campus and in adjacent areas for the current, and two previous calendar years. The purpose of this report is to provide our current and prospective faculty, staff and students with campus and fire safety information including crime and fire statistics, and programs and procedures to follow to report a crime or other emergency situations.

SUNY Oneonta University Police and Office of Student Affairs, in conjunction with, the Department of Public Safety at MVCC, prepare this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website at <https://suny.oneonta.edu/university-police/annual-campus-safety-security-reports> . The report is prepared in cooperation with the local law enforcement agencies surrounding our campus, the Department of Public Safety, Student Affairs, and other Public Safety authorities. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the MVCC Department of Public Safety, other local law enforcement agencies and designated campus officials considered to be “Campus Safety Authorities” (CSA’s). If someone has significant responsibility for student and campus activities, he or she is a campus security authority. SUNY Oneonta consults it’s faculty advisors on the MVCC campus regarding annual statistics for reports.

These statistics include crimes that occur on campus, and on the local streets surrounding the campus. Counseling Services staff informs their clients of the procedures to report crime to the Department of Public Safety on a voluntary and/or confidential basis, should they feel it is in the best interest of the client. There are several procedures in place to anonymously capture crime statistics for the college.

Each year, an email notification is made to all faculty, staff, and enrolled students that includes an attachment to access the report. All prospective employees are provided with a “Right to Know” booklet, which incorporates the Clery Crime statistics for the past three (3) years. Human Resources staff members also inform prospective employees that they may access the full Annual Security Report on the MVCC website for additional information.

Copies of this report may also be obtained at the Mohawk Valley Community College

Department of Public Safety located at 1101 Sherman Drive Utica, New York 13501 Academic Building Room 109, or by calling (315) 792-5566 on the Utica Campus.

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and the relevant federal law (the Clery Act). It is important to note that the crime classification definitions for which colleges and universities must provide statistics for the Clery Act differ from the state definitions. For example, the crime statistics reported under the Jeanne Clery Act include the following:

Uniform Crime Reporting Program (UCR) Definitions which include:

**Murder & Non Negligent Manslaughter, Negligent Manslaughter, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Rape, Fondling, Incest, Statutory Rape** (Including any Hate/Bias crimes of the above, as well as any incident of **Larceny-theft, Simple Assault, Intimidation, or Destruction/damage/vandalism of property** that were motivated by bias.)

Arrests and referrals for disciplinary action which include:

Arrests for **Liquor Law Violations, Drug Law Violations, and Illegal Weapons Possession,** and

Referrals for **Liquor Law Violations, Drug Law Violations, and Illegal Weapons Possession**

Violence Against Women Act of 2013 Definitions which include:

**Domestic Violence, Dating Violence, Stalking**

### ***SUNY Oneonta – Mohawk Valley Community College Campus***

In 2021, the Childhood Education Program at MVCC enrolled 72 students. There are no residence halls utilized at this location. The Childhood Education Program at MVCC employed 2 faculty/staff in 2021.

### ***Security of and Access to Campus Facilities***

Students, faculty, and employees have access to academic and administrative facilities on campus during regular hours of operation. The public can attend events on campus that are open to the public, with their access limited only to the facilities in which these events are held. To report any violations of this policy or to report a suspicious person, dial 315-731-5777 for the MVCC Department of Public Safety. The MVCC Campus may also report suspicious or criminal activity to the Utica Police Department, located at 413 Oriskany Street, West, Utica, NY 13502 or by calling 315-735-3301. A Memorandum of Understanding is in effect with the Utica Police Department.

### ***Code of Student Conduct***

Student conduct is regulated by the Code of Student Conduct. The Code is available on line and hard copies can be obtained at the SUNY Oneonta Student Affairs Office. In compliance with an April 2004 directive from the SUNY Chancellor, all students are required to receive and positively affirm they have read and understand the Code on an annual basis. Access to registration is denied to students who have not completed the affirmation. Sanctions for violation of the Code include: Suspension, Restrictive Disciplinary Probation, General Probation, Residence Hall License Revocation, Residence Hall Transfer, Residence Hall Probation, Residence Hall Ban, a letter of reprimand, Restitution of property, Educational sanctions, Dismissal, a letter of admonishment. The results of disciplinary hearings are considered

confidential except as permitted by law and FERPA exception.

SUNY Oneonta is committed to maintaining an environment in which students, faculty, staff and guests can work together free from all forms of harassment, exploitation and intimidation. SUNY Oneonta will act as needed to discourage, prevent, correct and if necessary discipline behavior that violates this standard of conduct. The MVCC Dept of Public Safety in conjunction with the SUNY Oneonta University Police department will promptly investigate allegations of unlawful discrimination based on race, color, sex, religion, age, national origin, marital status, sexual orientation, disability, or status as a veteran. Allegations of unlawful discrimination can first be discussed with the Counseling Center, the Office of Student conduct, the Affirmative Action Officer, or the Vice President for Student Affairs.

### ***Campus Law Enforcement – Jurisdiction and Authority***

Although SUNY Oneonta has a fully sworn police force, the state jurisdictional code indicates that law enforcement authority at Mohawk Valley Community College rests with the Department of Public Safety and the Utica Police Department. Mohawk Valley Community College Department of Public Safety employs both Public Safety Officers and Senior Public Safety Officers. The fundamental difference between the two is that the Senior Public Safety Officers are sworn law enforcement officers who are designated as Peace Officers under New York State Criminal Procedure Law. Senior Public Safety Officers have full arrest powers on the college campus and criminal incidents are referred to the Senior Public Safety Officers. These officers have the authority to apprehend and arrest anyone involved in illegal acts on-campus. Their jurisdiction encompasses all campus property.

Mohawk Valley Community College Public Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Mohawk Valley Community College. Public Safety Officers have the authority to issue tickets on Mohawk Valley Community College property or property leased by Mohawk Valley Community College. Public Safety Officers do not possess arrest powers.

If minor offenses involving College rules and regulations are committed by a Mohawk Valley Community College/SUNY Oneonta student, any Department of Public Safety Officer may also refer the individual to the Office of Community Standards at SUNY Oneonta for Code of Student Conduct charges.

Mohawk Valley Community College Department of Public Safety and the Utica Police Department have jurisdiction on campus to investigate crimes through a Memorandum of Understanding. The New York State Police and the Oneida County Sheriff's Department also have jurisdiction on campus and will respond when the local police are not available or need assistance. The Mohawk Valley Community College Department of Public Safety maintains a professional working relationship with each of the agencies with concurrent jurisdiction.

Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the Utica Police Department and joint investigative efforts with investigators from the MVCC DPS and city police are deployed to solve these serious felony crimes. The prosecution of criminal offenses, both felony and misdemeanor, are conducted at Utica City Court, located at 411 Oriskany Street West Utica, New York 13502 for the Utica Campus.

All crime victims and witnesses are strongly encouraged to immediately report crime to the

Department of Public Safety and the Utica Police Department. Prompt reporting will assure timely warning notices on campus, timely disclosure of crime statistics and will assist the appropriate law enforcement agency in its investigation of crimes occurring on campus.

### ***Crime Reporting***

To report a crime or an emergency on the Utica campus contact the Mohawk Valley Community College Department of Public Safety at (315) 792-5566 or by dialing extension 5777 from any phone within the College system, to include the emergency red phones. On the Rome Campus, you may dial (315) 334-3559 or extension 7270 from any phone on campus. Additionally, calls from on-campus emergency blue-light phones directly access the MVCC DPS. The locations of all emergency blue-light phones are listed on the Mohawk Valley Community College Department of Public Safety webpage, and can also be viewed on page 69 of this manual.

Reports of crime can also be made to any Campus Security Authority. Examples of Campus Security Authorities are but not limited to: The Dean of Students who oversees student housing, a student center of student extracurricular activities; or a Director of Athletics, a team coach or a faculty advisor to a student group; or a Resident Director. If someone has significant responsibility for student and campus activities, he or she is a campus security authority. It is the Campus Security Authority's primary responsibility to report allegations made in good faith, to the Department of Public Safety, which has been designated as the reporting structure of Mohawk Valley Community College.

If you see something suspicious, report it. Information on criminal activity may also be reported anonymously to [www.mvcc.edu/hawkeyetip](http://www.mvcc.edu/hawkeyetip). In addition, you may report a crime to the following:

Coordinator of Health Services	Alumni College Center 104	Ext. 5683
Department of Public Safety	Academic Building 109	Ext. 5566
Associate Dean, Student Development	Payne Hall 115	Ext. 5401
Associate Dean Student and Res Life	Alumni College Center 208A	Ext. 5361
Dean of the Rome Campus	Plumley Complex 127B	Ext. 7701

For staff and students living off campus:

To report a crime that occurs off campus by phone call 911 or (315) 792-5566. If there is a need to report a crime in person, the Utica Police Department is located at 413 Oriskany Street, West, Utica, NY 13502 or call (315) 735-3301. The Department of Public Safety and both the Utica Police Department and Rome Police Department each have a separate, working Memorandum of Understanding, Article 129-A, Subsection 6434 of the Education Law of New York. The Executive Director of Public Safety and Emergency Management attends monthly meetings with state, county and local law enforcement agencies to exchange ideas and discuss problems which may be of concern for the college community.

### **Voluntary Confidential/Anonymous Reporting:**

If you are the victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may still want to consider making a confidential report. With your permission, any member of the campus community can file a report on the details of the incident without revealing your identity.

Incidents can also be reported anonymously: [www.mvcc.edu/hawkeyetip](http://www.mvcc.edu/hawkeyetip).

All information left on the Hawkeye tip line is confidential. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving both students and staff, determine if there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the college.

#### Limited Voluntary Confidential Reporting:

The Mohawk Valley Community College Department of Public Safety encourages anyone who is the victim or witness to any crime to promptly report the incident. Therefore, the Department of Public Safety records may at times, be considered public records under state law, the Department of Public Safety cannot hold reports of crime in confidence. Confidential reports for the purposes of inclusion in the annual disclosure of crime statistics can generally be made to Campus Security Authorities.

Examples of Campus Security Authorities are but not limited to: The Dean of Students, a student center of student extracurricular activities; or a Director of Athletics, a team coach or a faculty advisor. If someone has significant responsibility for student and campus activities, he or she is a campus security authority.

Confidential reports of crime may also be made online at [www.mvcc.edu/hawkeyetip](http://www.mvcc.edu/hawkeyetip).

#### Confidential Reporting Procedures in Regards to Counselors:

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092(f), clarification was given to those considered to be campus security authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not to be considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

*Pastoral Counselor Defined:* An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

*Professional Counselor Defined:* An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certificate.

#### ***Timely Warnings***

In the event that a situation arises, either on or off campus, that, in the judgment of the Executive Director of Public Safety and Emergency Management, or in the judgement of the Vice President of Administrative Services, or in the judgement of the Vice President of Student Affairs, in consultation with the President, constitutes an ongoing or continuing threat to the College community a campus-wide “Security Alert” will be issued to serve as a timely warning and to aid

in the prevention of similar crimes. Information is released to the college community through timely warnings posted prominently throughout campus and emailed to all student, faculty and staff. Victim's names will never be disclosed in the alerts or to the media.

Depending on the particular circumstances of an emergency, especially in all situations that could pose an immediate threat to the college community and individuals, the Department of Public Safety will also activate the college emergency notification system. In such instances, a notice will be posted on the college web site and a copy of the notice will be posted in each residence hall, the student center, outside the dining hall, student life offices and the mail room. Anyone with information warranting a security alert or timely warning should report the circumstances to the Department of Public Safety office by phone (315) 731-5777 or in person in the Academic Building room 109 on the Utica Campus, or by reporting to the DPS in the Plumley Complex room 119 or by calling (315) 334-3559 on the Rome Campus.

In addition to the MVCC Emergency Alert system and crime alerts, the DPS may employ a variety of communication methods to inform building occupants or a larger portion of campus about imminent safety threats. Communication methods will be employed based on a number of factors that will be evaluated for each incident, such as the nature and extent of the threat, the technology available in that building or area, the time of day, ect. Other communication methods may include the use of the a public announcement broadcasting system, door-to-door notification, fire alarm systems, digital signage, the College webpage, vehicle-mounted bullhorns, mass media, NY Alert message and the AVAYA phone system.

The AVAYA phone notification system which works similarly to a reverse call back. AVAYA phones are located in every classroom and office on campus, the system network allows for the speaker on the phone to relay an emergency message.

### ***Emergency Response, Notification, and Evacuation Procedures***

If the Executive Director of Public Safety and Emergency Management, or his/her designee, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the MVCC community, the Office of Marketing and Communications has been charged by the President with managing all communications outreach and information dissemination during a crisis. The Office of Marketing and Communications will determine the content of the message and will use some or all of the systems described below to communicate the threat to the MVCC Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The Office of Marketing and Communications will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgement of the First Responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

## **Immediate Response**

- I. Assess situation and level of impact
- II. President, Incident Commander and/or Director of Communications will determine if an official statement should be prepared and released to campus. The statement will be reviewed and approved for dissemination when possible. Completed templates should be referred to

when available/applicable.

- III. The Director of Marketing and Communications or his designee in concert with President and Incident Commander (if time permits) will determine the most effective and efficient method of communications to on-campus and off-campus constituencies. This shall include the determination of the appropriate segment or segments of the campus community to receive a notification.

The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. There will be a continuing assessment of the situation and additional segments of the campus community may be notified if the situation warrants such action.

In the event of a serious incident that poses an immediate threat to members of the MVCC community, the College has various systems in place for communicating information quickly. Some or all of the below methods of communication may be activated in the event of an immediate threat to the MVCC campus community.

- **E-Mail** - Director of Marketing and Communications or his designee will send e-mail out to ALL STUDENTS, ALL STAFF, ALL FACULTY, ALL ADMINISTRATION, using College Outlook mail system. Office of the President staff will forward message to ALL TRUSTEES upon direction of the President
- **PA System** - If an incident requires immediate communication via the PA system, a message will be provided to the campus by the President or his designee.
- **Bullhorns** - If it is necessary to communicate via bullhorns (power outage, building evacuation, lockdown, mass gathering crowd control or direction), a message will be provided by the President or his designee.
- **Hand-Delivery of Messages** - If deemed the most effective and safe means of communicating, hand-delivered messages will be drafted by the Director of Communications or his designee and disseminated accordingly.
- **Office of Communications** - will update information on **an alert** Director of Marketing and Communications will consider updating home page of **College Web site** under News & Events
- **Two-way radios** - Two-way radios will be used for ongoing communications between Public Safety, Physical Plant (including Housekeeping), and the Resident Director on Duty. The Incident Commander will be issued a two-way radio at the time of the incident, which will allow him/her to communicate with Campus Safety and Physical Plant personnel.
- **NY Alert** - An instant, mass notification system which enables students, employees and parents to receive emergency nonfictions and updates through SMS text messaging, emails and/or fax. NY Alert is a free, voluntary services provided by the State of New York to all SUNY campuses. Students and employees can sign up for NY Alert by going to the MVCC homepage, and clicking on the "SIRS" link.

The SIRS link is an internet based student and staff system that will allow you to enter your information into the NY Alert system. The information you enter is held as confidential and will only be used by the State Office of Emergency Management to provide you with emergency information should there be an incident. Parents may receive NY Alert messages

though student sign up. If you are a parent and would like to receive the alerts, have your student add your cell phone and/or email information to his/her account.

- **College Televisions** - The Director of Marketing and Communications or designee will provide for updated messages to be published via MVCC's on-campus flat-panel information kiosks.
- **Website** - The MVCC homepage will include all of the information regarding an emergency situation that would be included via e-mail
- Determine if other constituents need to be communicated with and how.

With the aforementioned array of communication systems, in the event of a campus emergency it is likely that several of the methods shall be employed to ensure the maximum number of people are notified in the quickest manner.

#### Evacuation Procedures:

Evacuation of buildings is kept to a minimum so as not to disrupt activities or have complacency set in. When the fire alarm is initiated and an evacuation is in progress, elevators are not to be used and are kept for use by Department of Public Safety personnel only.

#### **Procedure**

- 1) Upon initiation of the fire alarm, the building should be evacuated of all people as quickly as possible. All faculty, staff and students shall take all their personal items with them. In the event the audible fire alarm does not activate, Department of Public Safety personnel with the assistance of Facilities and Operations personnel, will conduct a systematic search of the entire building to inform occupants to evacuate. Upon completion of the room-by-room search, Public Safety and Facilities & Operations persons will position themselves at the building doors to prevent anyone from re-entering.
- 2) The faculty are to review evacuation procedures during the first week of classes. Faculty and staff are to ensure the complete evacuation of their areas of responsibility. Turn off lights and close the door behind you. Escort any students with mobility impairments to the closest "Area of Refuge" or "Area of Rescue Assistance" and wait until Department of Public Safety personnel or Facilities and Operations personnel arrive.
- 3) All persons will move in an orderly manner, to a safe distance of not less than 50 feet from the building and out of roadways.
- 4) Any persons (college students or employees) with special needs should be attended to as quickly and safely as possible (see evacuation of mobility impaired below).
- 5) Under no conditions will evacuees be allowed back into a building until the building has been inspected and found safe for re-entry. Only Department of Public Safety personnel and Emergency personnel can give an "all clear" signal.

#### MVCC IS NOT RESPONSIBLE FOR ITEMS LEFT IN THE BUILDING

#### *Emergency Evacuation Guidelines for Faculty, Staff and Students with Disabilities:*

MVCC is committed to providing equal access to safe egress for any visitor or member of the community including additional assistance if required, to effectively alert, evacuate, and/or shelter them during an emergency. To be successful in providing this assistance, the Emergency



Evacuation Procedures require the cooperation of every member of the College community. Some members of the community are specially trained to identify and assist persons who may need aid in an emergency.

Any individual requiring assistance is encouraged to develop a Personal Emergency Plan (PEP) and update his/her self-identification information semi-annually, no later than September 30 and February 30 of each calendar year, or whenever circumstances warrant an update (e.g., changes in his/her condition that would require a change in assistance).

During the first class of each semester, faculty should announce the locations of fire exits and Areas of Rescue /Safe Wait Areas serving that classroom and/or lab. They will also review the requirement to leave the facility and follow instructions of safety personnel whenever an alarm sounds. They will also remind students to assist people with disabilities, and to let Public Safety personnel know of the location of anyone who cannot leave the building independently.

A part of every faculty and staff orientation package includes an introduction to the College's Emergency Evacuation Procedures, and an opportunity to initiate a Personal Emergency Plan (PEP).

At all MVCC on-campus events, including Cultural Series and DGV events, the 'housekeeping announcement' proceeding each occasion includes identification of the exits and Areas of Rescue available in case of emergency.

Residence Hall personnel introduce new students to the College's Emergency Evacuation Procedures, and have information on where to go on campus to prepare a Personal Emergency Plan (PEP). If students live in the residence halls, the residence hall evacuation plan is discussed as part of student orientation.

### ***Crime Prevention Activities***

Crime prevention programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. MVCC Department of Public Safety personnel facilitate programs for student, faculty, staff and new employee orientations, and student organizations.

The Department of Public Safety is regularly available to provide safety and security awareness, crime prevention programs, emergency response training, drug awareness, drinking and driving awareness, and other awareness training requested by students or staff.

In an effort to deter crime, MVCC DPS provides an escort service, 24 hours a day. If a student would like an escort on the Utica campus, they can call 5777 from any emergency red phone, use any emergency blue phone, or call (315) 731-5777 to request an escort.

The Department of Public Safety has developed a poster program which consists of distributing 11" x 17" color posters throughout both Campuses. The posters are designed to continually inform community members of important information. Crime prevention tips are also displayed on the digital TV monitors throughout campus in an effort to compliment the posters.

MVCC Marketing and Communications broadcasts to all MVCC faculty and staff a weekly email publication called the "Communitas," and daily email called "MVCC TODAY". Communitas is a weekly publication hosted on MVCC's main webpage which focuses on stories

of interest for the College community and has incorporated crime prevention tips into its body. Additionally, MVCC TODAY is sent via email daily, informing the campus community of daily campus itineraries and includes information on how to report crime, in person or anonymously as well as a link to the complete Annual Security Report.

In compliance with NYS education law 129A, SUNY Oneonta has a Personal Safety Committee charged with advising the president and chief of police on matters of campus security, public safety, and personal safety; review and suggest improvement in safety education programs; assess availability of counseling service for crime victims; review victim referral and campus response procedures for sexual assault situations; conduct ongoing assessment of the quality of campus personnel safety policies, practices, procedures and programs; and provide information to incoming students about sexual assault prevention measures, penalties, and related security procedures. This committee meets monthly and provides an annual report to the president and chief of police. The MVCC campus has the same committee and is in place to review current security policies and procedures and make recommendations for improvement. This advisory committee is responsible for ensuring that procedures for educational programs on safety, sexual assault and crime prevention are in place and that reporting, referral, counseling and response mechanisms for security and safety are also updated and monitored regularly.

The Safety and Security Committee reports to the President through the College Senate, findings and recommendations at least once each academic year, and such report shall be available upon request.

### ***Policy on Alcohol and Drugs***

The Public Safety Officers and Police enforce laws regulating underage drinking and the use of controlled substances and weapons. The illegal possession and/or use of marijuana, barbiturates, amphetamines, hallucinogenic compounds, narcotics and other controlled substances are in violation of state and federal law. SUNY Oneonta complies with the requirements of the New York State Alcohol Beverage Control Law and the New York State Penal Code, which provides that “no person under the age of 21 will possess any alcoholic beverage with the intent to consume such beverage.” The campus alcohol policy prohibits alcoholic beverages in residence halls and at student events. On a limited and highly selective basis, the campus policy is waived and alcoholic beverages are served at student functions in accordance with federal, state, and local laws. The Division of Student Affairs provides counseling and regularly offers programs and courses on drugs and alcohol. Under certain circumstances, SUNY Oneonta notifies parents of violations and makes mandatory referral to an alcohol and drug education program. The possession, sale or use of any illegal drug on campus will not be tolerated and the penalty for violation is very severe. College policy prohibits open containers of alcoholic beverages in all outside areas on the campus. Bringing alcoholic beverages to any public or private event on campus is not permitted. Members of the campus community in need of assistance with respect to a question or personal problem regarding alcohol or other drugs should contact the student health center, at (607) 436-3573. A complete description of SUNY Oneonta’s drug and alcohol policy and abuse education programs as required under Section 120(a) through (d) of the HEA can be found in the Code of Student Conduct at <http://www.oneonta.edu/Affairs/judicial> . SUNY Oneonta complies with the Drug-Free Schools and Communities Act (DFSCA). The materials we use to comply with DFSCA can be found at <http://www.oneonta.edu/Affairs/health/drugandalcoholabuse.asp> .

The MVCC campus prohibits the possession, sale or furnishing of alcohol on the premises. The enforcement of alcohol laws on campus is the primary responsibility of the MVCC Department of Public Safety. The MVCC campus has been designated “drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are enforced by the MVCC DPS. Violators are subject to College disciplinary action, criminal prosecution, fine and imprisonment.

### ***Weapons on Campus***

Possession and or use of any Weapon or any device capable of use as a weapon by release of explosive material, noxious material, electric discharge, or projectile, is prohibited on Campus.

*Exemptions to this Policy are as follows:*

1. The President, as the chief administrative officer of the Campus, and consistent with 8NYCRR Part 590, grants the following exceptions to the prohibition of Weapons on Campus:
  - a. Military or law enforcement of the United States or the State of New York in pursuit of their official duties, as provided for under 8 NYCRR 590.1, SUNY Policy 5403.
  - b. Possession of a self-defense spray as allowed under New Your State Penal Law Section 265.20(a)(14) and must follow [New York State Codes, Rules and Regulations Section 54.3 Requirements](#) which governs substance type, size, and weight of spray allowed.

### ***Compliance with Policy***

1. The use of the spray is deemed force on another and needs to be justified and will be investigated.
2. Failure to comply with the University’s prohibition of Weapons on Campus shall be considered an intentional violation of Campus policy.
3. Violation of this policy may result in criminal prosecution, disciplinary action, including termination from employment or expulsion from the Campus, and/or other sanctions.

### ***Sexual and Interpersonal Violence***

Sexual violence is a violation of college policy and federal civil rights law and may also be subject to criminal prosecution. SUNY Oneonta prohibits all forms of violence and threats of violence on campus, including sexual violence, sexual assault, domestic violence, dating violence, and stalking, whether in the academic setting or workplace. We strive to create a campus community that is wholly intolerant of sexual harassment and all forms of abuse and violence. SUNY Oneonta is committed to providing crisis intervention measures and a campus response that protects the rights of the victim and the accused; referring students to criminal authorities; and educating and promoting continual discussion of interpersonal abuse and violence issues and prevention. Offenders are subject to appropriate campus adjudication processes, disciplinary action, and criminal proceedings. Interim measures may be imposed pending the outcome of any adjudication.

### ***Response Procedures***

When an incident of sexual violence, domestic violence, dating violence, or stalking is reported, the college provides victims with available options, remedies, and services. SUNY Oneonta’s response to sexual assault may involve a number of individuals and agencies, including

University Police or local law enforcement, the Title IX officer, medical and counseling services personnel, and Residential Community Life staff. On-campus cases receive a timely campus-based investigation that is confidential and thorough and protects individual rights and due process. SUNY Oneonta strongly encourages accurate and prompt reporting of these crimes. There are, however, options available for students who wish to maintain confidentiality while getting the support they need. \*Different employees on campus have different abilities to maintain a victim's confidentiality. Mental health counselors, health care providers, pastoral counselors acting in their professional capacities can maintain confidentiality. Other reporting agents can treat information as privileged and private, but are required to communicate information with the Title IX Coordinators. Reporting a crime to the police or to a campus office does not obligate the victim to pursue criminal prosecution. For students, in addition to criminal charges, sexual and interpersonal violence is prohibited conduct as specified in the SUNY Oneonta Code of Student Conduct found at [www.oneonta.edu/judicial](http://www.oneonta.edu/judicial). Both the victim and the accused are afforded equitable rights during the investigative process.

Whenever a violent or sex related crime is reported to a member of the SUNY Oneonta campus community they have been trained to contact the Title IX coordinator and provide the victim with emergency resources such as medical attention, counseling services, and/or call University Police for ongoing safety concerns. The victim may decline such services. Injured victims are transported to Bassett Hospital or another appropriate health-care facility. When a victim reports sexual violence, dating violence, domestic violence or stalking, they will meet with approved Title IX investigators and be provided with written notification of available options, their rights and assistance with accommodations in academic, living, transportation and working situations, as well as protective measures that can be taken on campus and within the community. This process is the same for students and employees. Victims will be advised of their option to report to an appropriate law enforcement agency, if they haven't already, and be assisted with such a report. They may also decline to involve law enforcement and elect to use the Student Code of Conduct process or the Title IX grievance procedure. Where applicable the institution may aid the victim in gaining an order of protection and or a no contact order from the institution. These accommodations and/or protective measures are available to the victim regardless of whether they choose to report the crime to law enforcement.

With all violent felony or sex-related crimes, immediate collection of evidence is crucial. Victims are reminded of the importance of evidence preservation and are encouraged not to destroy evidence by bathing, showering, changing clothes, combing hair, drinking, eating, or doing anything to alter their physical state or appearance until after a physical exam has been completed. Officers work quickly to secure the crime scene and implement proper investigative measures, including basic interviews to ascertain the nature of the crime. If the perpetrator of a crime is at large or is unidentified, it is critical to the safety of the campus and community that the interview be conducted as soon as possible and timely warnings issued if appropriate.

### *Disciplinary Procedures*

In cases of sexual assault, domestic violence, dating violence, or stalking the College will provide a fair, prompt, and impartial process from investigation to conclusion. Hearings officers receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking, including the hearing process and how to conduct an investigation that protects the safety of victims and promotes accountability. If the accused is a student, the standard of evidence used in an institutional disciplinary hearing will be preponderance of the evidence.

Both accusers and accused are entitled to notification of charges and hearing date, as well as the same opportunity to have an adviser of their choice present at any hearing or related meetings. Both parties will be informed simultaneously in writing of the outcome of any institutional disciplinary proceedings that arise from an allegation of domestic violence, dating violence, sexual assault, or stalking; the college's procedures for the accused and the accuser to appeal the results; changes that occur along the way; and the final results of any appeals. Compliance does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). These protections apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

The procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, including the steps, anticipated timelines, and decision-making process for each, are delineated in the Code of Student Conduct for students and the full Sexual Violence Response policy for employees and students.

SUNY Oneonta will periodically update the alleged victim of a crime of violence or a non-forcible sex offense on the status of the case, and will disclose to the alleged victim the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

#### Students:

Student alleged incidents of dating violence, domestic violence, sexual assault or stalking may be reported to a number of offices on campus including the Title IX Coordinator and/or the Office of Community Standards. Reports to the Office of Community Standards will be processed in accordance with the *Code of Student Conduct*. With the exception of very minor cases of stalking that could also be referred for a Residence Hall Director meeting if the student lives on campus, cases will be adjudicated through an Administrative or Standing Disciplinary Board Hearing. The hearing type is determined by the egregious nature of the case. A more serious crime will always be adjudicated by the Standing Disciplinary Board.

An incident report will be filed with the Community Standards office. An investigation will be conducted and the type of hearing will be decided upon. Students are notified in writing of the date and time of their hearing, as well as the charges. An Administrative hearing is held with one College Administrator hearing the evidence and making the decision. The Standing Disciplinary Board is comprised of 7 faculty, staff, and student representatives. The case would be presented to them and they make a determination based on a majority vote. SUNY Oneonta's student conduct processes uses a preponderance of evidence standard for a responsible finding. If found responsible, the sanctions may include suspension or expulsion from the institution, community service, educational program, no contact order, housing revocation, housing transfer, or probation.

Interim measures may be taken by the vice president for student Affairs and/or her/his designee may impose a temporary disciplinary suspension or other restrictions (housing revocation, no contact order or persona non grata status) prior to the hearing to ensure the safety and well-being of members of the community or preservation of College property; to ensure the student's own physical or emotion safety and well-being; or if the student poses a definite threat of disruption

or interference with the normal operations of the College.

### *Student Bill of Rights*

#### **Student's Bill of Rights**

The State University of New York and SUNY Oneonta are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence and/or stalking to ensure that they can continue to participate in College-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad. All students have the right to:

1. Make a report to local law enforcement or state police;
2. Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressures from the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident;
8. Be free from retaliation by the institution, the accused, and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination which shall be considered by a panel, not a single person;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial conduct process of the College.

#### Options in Brief

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention;
- Confidentiality or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy visit <https://suny.oneonta.edu/know-violence/reporting> )
- Make a report to:
  - o An employee with the authority to address complaints, including the Title IX Coordinator, a Student Conduct employee, or a Human Resources employee;
  - o University Police;

- o Local law enforcement; and/or
- o Family Court or Civil Court.

The complete *Code of Student Conduct*, including the Sexual and Interpersonal Violence policy can be found here: <http://www.oneonta.edu/communitystandards/code-of-student-conduct.asp>

### Employees

The full Sexual Violence Response policy for employees and students can be found here:

<https://suny.oneonta.edu/know-violence/sexual-violence-response-policy>

Harassment & Sexual Harassment policy:

[https://www.suny.edu/sunypp/documents.cfm?doc\\_id=451](https://www.suny.edu/sunypp/documents.cfm?doc_id=451)

Workplace Violence Policy and The Domestic Violence in the Workplace Policy and

Procedures: <https://suny.oneonta.edu/employee-services/policies-procedures>

Excerpt – Through Human Resources, “The College, to the fullest extent possible without violating any existing rules, regulations, statutory requirements, contractual obligation or collective bargaining agreements, will take all appropriate actions to promote safety in the workplace and respond effectively to the needs of victims of domestic violence.”

Several support options in order to mitigate reoccurrences of domestic violence in an effort to protect all employees including the victim: Advising co-workers, supervisors, and , upon request, the employee’s bargaining representative, of the situation; setting up procedures for alerting University Police, temporary relocation of the victim to a secure area; options for voluntary transfer or permanent relocation to a new work site; change of work schedule; escort for entry to and exit from the building; responding to telephone, fax, email or mail harassment; keeping a photograph of the abuser and/or a copy of any existing court orders of protection in a confidential, on-site location and providing copies to University Police; the College will address any additional concerns raised by a situation in which both the victim and offender are employed by the College. Employees may also opt to report prohibited behaviors to the Title IX Coordinator.

### *Privacy*

SUNY Oneonta will protect the privacy of all parties to a complaint or other report of sexual violence, dating violence, domestic violence, or stalking to the extent possible. The College will complete publicly available record keeping in accordance with federal and state law, without the inclusion of personally identifying information about the victim. When the College receives complaints of violence an obligation exists to respond in a way that limits the effects of the violence and prevents its recurrence. Information will be shared as necessary in the course of an investigation with people who need to know, such as investigators, witnesses, the reporting individual, and the respondent. If you are the reporting individual and are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them. Staff members at certain resources are obligated by law to maintain confidentiality, including the Counseling Center staff on-campus and the local rape crisis center off-campus. Contact information for both of those facilities and further information on options for confidentiality and privacy can be found here: <https://suny.oneonta.edu/know-violence/reporting> .

### *Prevention and awareness programs*

The college continually works to develop and hone curricular and co-curricular educational programs on personal safety precautions and prevention, crime reporting, medical and counseling services, availability of legal services, the college discipline system, and sexual

assault prevention. University Police, the Health Center, the Counseling Center, and the Office of Equity and Inclusion, Residence Life and New Student Services all conduct ongoing educational campaigns for students, faculty, and staff to promote safety and awareness and aid in the prevention of sexual violence, dating violence, domestic violence, and stalking. Students and employees learn about these programs during first-year, transfer, and graduate orientations each semester; via SUNY Oneonta presentation online education component, Campus Clarity; through ongoing extracurricular educational programming during the semester; and through presentations to students in the residence halls each semester. Programs are designed to promote positive behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention tactics, and positively influence behavior and social norms.

Primary prevention and awareness programs for all incoming students and employees include:

- a clear statement of the prohibition of sexual assault, rape, dating violence, domestic violence, and stalking at SUNY Oneonta;
- definitions of sexual assault, rape, dating violence, domestic violence, and stalking in the applicable jurisdiction (see *Definitions* section below for full list);
- a definition of consent, with reference to sexual offenses, in the applicable jurisdiction (see *Definitions* section below for full list);
- information on safe and positive bystander intervention that an individual may take to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;
- information on risk reduction, how to recognize warning signs of abusive behavior, and how to avoid potential attacks;
- information on institutional disciplinary procedures, sanctions, and protective measures in cases of VAWA crimes;
- procedures that victims of VAWA crimes should follow, including
  - the importance of preserving evidence of such crimes;
  - how and to whom the alleged offenses should be reported;
  - rights and options regarding law enforcement and campus authorities, including the victim's options to notify proper law enforcement authorities, assistance from campus authorities with such notification, and the victim's right to decline to notify;
  - victims' rights and the college's responsibilities for orders of protection as well as options for and available assistance with changing academic, living, transportation, and working situations, regardless of whether the victim reports the crime to campus police or law enforcement;
  - available services, including counseling, health, mental health, victim advocacy, and legal assistance.
- ongoing prevention and awareness campaigns for current students, faculty, and staff on all of the above.

Beginning in fall 2015, student leaders and officers of recognized student organizations and those seeking recognition began to complete training on domestic violence, dating violence, sexual assault, and stalking prevention as part of the approval process. Student-athletes also began to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

Specific prevention and awareness programs include:

#### Take Back the Night

SUNY Oneonta participates in Sexual Assault Awareness Month each April with a series of campus wide events to educate the campus community about ways to prevent violence,



especially sexual assault and other VAWA crimes. Violence Prevention Week features a variety of activities for students, faculty, staff, and the larger community, culminating in Take Back the Night, the international event designed to raise awareness and promote the prevention of sexual violence in all forms.

#### Campus Clarity online program

The “Think About It” program and supplemental programs are used at SUNY Oneonta to educate all incoming students prior to orientation, about the assumptions and stereotypes associated with sexual violence, dating violence, domestic violence, stalking, and harassment. It also helps students understand the meaning of consent, how to help a friend, and how to intervene in a situation that might escalate to a sexual assault. Students who do not complete the program are prohibited from registering for classes.

#### Health 101

This is an outreach newsletter program to deliver periodic messages and content to students about sexual and interpersonal violence prevention, as well as other health related issues.

#### kNOw Violence

This is a committee that is charged with sustaining ongoing educational programs and campaigns regarding sexual and interpersonal violence. They conduct several programs per year and usually undertake one large scale campaign per year.

#### Green Dot training

Bystander intervention training was offered to student leaders, residence life staff, and to all student within residence halls who elected to participate. These trainings are offered on an ongoing basis.

#### Employee online education programs

All employees are required annually to complete four online education courses; preventing sexual misconduct, preventing discrimination and harassment, preventing workplace violence, and reporting child sexual abuse.

### *Definitions*

New York State Law has clarified what is considered “consent” with regard to sexual activity. Sexual activity requires “affirmative consent” by all parties involved.

#### Definition of Affirmative Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.

- a) Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- b) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- c) Consent may be initially given but withdrawn at any time.
- d) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending upon the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and, therefore, unable to consent.
- e) Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.

f) When consent is withdrawn or can no longer be given, sexual activity must stop.

***Underage persons cannot legally consent to sexual activity. The age of consent in NYS is 17.***

#### Crime Definitions – New York State

**Dating Violence:** New York State does not specifically define “dating violence.” However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an “intimate relationship” which the victim. See “Family or Household Member” for definition of intimate relationship.

**Domestic Violence:** An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person’s child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of 16, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of the act.

**Family or Household Member:** Person’s related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”; Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

**Parent:** Natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

**Sexual Assault:** New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.

**Sex Offenses; Lack of Consent:** Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

**Sexual Misconduct:** When a person (1) engages in sexual intercourse with another person without such person’s consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person’s consent; or (3) engages in sexual conduct with an animal or a dead human body.

**Rape in the Third Degree:** When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years

old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Rape in the Second Degree:** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

**Rape in the First Degree:** When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Criminal Sexual Act in the Third Degree:** When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Criminal Sexual Act in the Second Degree:** When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

**Criminal Sexual Act in the First Degree:** When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Forcible Touching:** When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. It includes squeezing, grabbing, or pinching.

**Persistent Sexual Abuse:** When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten-year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

**Sexual Abuse in the Third Degree:** When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

**Sexual Abuse in the Second Degree:** When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

**Sexual Abuse in the First Degree:** When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

**Aggravated Sexual Abuse in the Fourth Degree:** When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of

consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

**Aggravated Sexual Abuse in the Third Degree:** When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

**Aggravated Sexual Abuse in the Second Degree:** When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

**Aggravated Sexual Abuse in the First Degree:** When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

**Course of Sexual Conduct Against a Child in the Second Degree:** When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

**Course of Sexual Conduct Against a Child in the First Degree:** When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

**Facilitating a Sex Offense with a Controlled Substance:** A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

**Incest in the Third Degree:** A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

**Incest in the Second Degree:** A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

**Incest in the First Degree:** A person is guilty of incest in the first degree when he or she

commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

**Stalking in the Fourth Degree:** When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

**Stalking in the Third Degree:** When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime or stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

**Stalking in the Second Degree:** When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, sligshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

**Stalking in the First Degree:** When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

### *Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases*

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Oneonta recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Oneonta strongly encourages student to report incidents of domestic violence, dating violence, stalking or sexual assault to institutional officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to College officials or law enforcement will not be subject to SUNY Oneonta's *Code of Conduct* action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

### ***Sex Offender Registry Information***

When the New York State Division of Criminal Justice Services (DCJS) notifies campus officials of the presence of a registered sex offender on campus, University Police will alert the campus community using the "timely warning" methods for criminal activity, in general or in a limited manner, as appropriate. This may include web notices, doorway signs, campus media, and e-mail messages. Warnings will indicate that a level 2 or level 3 sex offender is enrolled or employed at the college and will indicate that further information can be obtained at the DCJS website: **[www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)**. Information listed on the website may include name, address, physical description, crime of conviction, modus operandi, type of victim targeted, and special conditions imposed on parole.

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed at, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies (in New York, it is the Division of Criminal Justice Services) to notify Mohawk Valley Community College regarding sex offenders who have indicated that they are either enrolled, employed or residing at MVCC.

The Mohawk Valley Community College Department of Public Safety maintains a list of Notices from the Department of Criminal Justice Services pertaining to sex offenders who have indicated that they are either enrolled, employed or residing at MVCC. The College is required to inform the campus community that a list of all registered sex offenders in New York State is available from the New York State Division of Criminal Justice Services. Information can be obtained by calling DCJS at 1-800-262-3257 or <http://criminaljustice.state.ny.us/> MVCC is located in Oneida County, Utica Campus located in the city of Utica, and the zip code is 13501, the Rome Campus is located in the city of Rome, and the zip code is 13440.

The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000 and New York State Corrections Law 6-C.

### ***Missing Student Notification***

Any member of the college community who believes a student may be missing, should file a report with the Department of Public Safety. It is the policy of Mohawk Valley Community College and the Mohawk Valley Community College Department of Public Safety to **immediately** accept and investigate reports of missing, lost or abducted students and children as defined by the New York State Executive Law 837, without delay and to promptly transmit all pertinent information to the President's Office, Student Services, Utica Police Department as necessary and to the Division of Criminal Justice Services, when required.

Reports of missing students made to Student Services shall be turned over to Mohawk Valley Community College Department of Public Safety. The Department of Public Safety shall take the lead in all missing student cases until such time as the case is turned over to the Utica Police Department, by the Executive Director of Public Safety and Emergency Management or the On-Call Administrator. All reports of missing children from any location on campus will immediately be turned over to the Utica Police Department.

Any student living in an on-campus housing facility may register a confidential contact person to be notified in the case that the student is determined to be missing. If a student has identified such an individual, the MVCC DPS, Student Services staff or local law enforcement officials will notify that individual no later than 24 hours after the student is determined to be missing. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information. Students are encouraged to register a confidential contact when they complete The Mohawk Valley Community College Housing Application. In those cases where a student is reported missing and the student has not registered a contact person, the police will be notified of the incident.

After investigating a missing person report, should the Department of Public Safety determine that the student has been missing for 24 hours, the DPS will notify the Utica Police Department and the student's emergency contact no later than 24 hours after the student is determined to be missing. The custodial parent or guardian of any student that is less than 18 years old and is not emancipated will be notified within 24 hours after the student has been confirmed as missing.

### ***Daily Log***

The MVCC Dept of Public Safety also maintains a daily log of crimes and incidents that occur on campus that is available for the public to view. The information is recorded by date, time and general location, and disposition of the complaint. This daily log is available at the Public Safety department, Academic Bldg room 109 on the Utica Campus, or can be viewed at <https://www.mvcc.edu/public-safety/public-information.php>. Please note that entries or updates are generally made within two business days after the event occurs. Incidents or situations deemed to pose a threat to the campus community are logged as soon as possible. Sixty days' worth of activity is posted; more can be made available upon request.

While most events are logged, the office of the Chief of University Police, may determine that an incident be classified as "confidential" in order not to jeopardize a criminal investigation or the identity of a victim.

### ***Campus Crime Statistics***

In accordance with recent updates to the "Campus Safety Act," data are presented at the end of this report to review crime activity both on campus and on streets adjacent to campus property. This information can also be found at <http://ope.ed.gov/campussafety>. A map, which defines

these areas, appears at the end of this report. Reported on-campus offenses include all offenses reported on campus property and in campus buildings. There are no “on-campus student housing facilities” that fall under SUNY Oneonta control on the MVCC Utica Campus.

Two other categories are presented in this chart: “non-campus buildings or property” and “public property.” The first category, non-campus buildings or property, includes properties owned by student organizations officially recognized by the institution and those owned by the university outside the campus boundaries that appear on the map at the end of this report. The offenses presented in this report include offenses reported by the local law enforcement agency with jurisdiction on and around campus, as well as our University Police. The second category, public property, includes thoroughfares, streets, sidewalks and parking facilities immediately adjacent to the campus.

The section on campus crime statistics also includes arrests and disciplinary referrals made to campus authorities for alcohol, drugs and weapons possession. As defined by the campus safety act, a disciplinary referral is an instance when a student is formally reported in writing to a university official for possible sanction.

As required by the Campus Safety Act, SUNY Oneonta is required to report hate crimes in this report. For this reporting, a hate crime occurs when a person is victimized intentionally because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

The crimes presented are based on reports filed with the following offices: Chief of University Police, Vice President for Student Affairs, Associate Vice President for Student Affairs, Director of Community Standards, Student Health Center, Office of Residential Community Life, Counseling Center, Director of Student Activities, Student Diversity and Advocacy, and Director of Athletics. Formal requests for crime statistics for areas defined as “public property” and “non-campus buildings and property” were made with the Oneonta Police Department, the Town of Oneonta Police Department, and the Otsego County Sheriff’s Department, Utica Police Department and NY State Police.

### *Unfounded Crimes*

A crime can only be unfounded if the report is found to be false or baseless. A crime is not considered unfounded if someone is found not guilty, not arrested, or not charged. Unfounding is an extreme and rare measure to be used when, using a reasonable investigative standard, sworn law enforcement believe that the reported crime did not happen. Only sworn/commissioned law enforcement can “unfound” a crime. This does not include a district attorney.

### *Crime Definitions*

Unless otherwise noted:

- The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations, and liquor law violations are excerpted from the Federal Bureau of Investigations Uniform Crime Reporting Handbook (UCR) (PDF).
- The definitions for forcible and non-forcible sex offenses are excerpted from the FBI’s National Incident-Based Reporting System (NIBRS) edition of the Uniform Crime Reporting Program. The law defines both the behavior and physical nature of a sex offense and the lack of consent involved. In New York State, the age of consent is 17. These definitions include instances in which the victim is incapable of giving consent because of temporary or permanent



mental or physical incapacity (including from the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

- The definitions for hate crime data collection are taken from the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection (PDF). Offenses include any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.

- The definitions for dating violence, domestic violence, and stalking are taken from Section 485(f) of the Higher Education Amendment, as amended by Section 304 of the Violence Against Women Reauthorization Act of 2013.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Bias:** A preformed negative opinion or attitude toward a group of persons based on their race, religion, national origin, disability, sexual orientation, ethnicity, gender, or gender identity.

**Bias Crime:** A committed criminal offense that is motivated, in whole or in part, by the offender's bias(es) against a race, religion, national origin, disability, sexual orientation, ethnicity, gender, or gender identity; also known as Hate Crime.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

**Criminal Homicide, Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Criminal Homicide, Negligent Manslaughter:** The killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

**Dating Violence:** Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

**Disability Bias:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

**Domestic Violence:** The term includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Fondling (forcible):** The touching of the private body parts of another person for the purpose of

sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Hate Crime:** Bias Crime.

**Hate Group:** An organization whose primary purpose is to promote animosity, hostility, and malice against persons of or with a race, religion, national origin, disability, sexual orientation, ethnicity, gender, or gender identity that differs from that of the members or the organization, e.g., the Ku Klux Klan, American Nazi Party.

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. This includes the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; attempts to commit any of the above.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**Rape, Except Statutory Rape (forcible):** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Sex Offense:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

**Sexual Assault with an Object (forcible):** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Sodomy (forcible):** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Weapon Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. This includes the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; attempts to commit any of the above.

## CRIME STATISTICS

2021 Statistics

Mohawk Valley Community College – Utica Campus 2021 Clery Statistics

Offense	On-Campus	Non-Campus	Public Property	On-Campus Residence Halls
<b>Criminal Homicide Offenses</b>				
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
<b>Sex Offenses</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>Other UCR Offenses</b>				
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Arson	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
<b>Liquor, Drug &amp; Weapons Offenses</b>				
Liquor Law Arrests	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0
Drug Law Arrests	0	0	0	0
Drug Law Disciplinary Referrals	0	0	0	0
Weapon Law Arrests	0	0	0	0
Weapon Law Disciplinary Referrals	0	0	0	0
<b>Vawa Offenses</b>				
Stalking	4	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
<b>Unfounded Offenses</b>				
Unfounded	0	0	0	0
<b>Hate/Bias Offenses</b>				
	0	0	0	0

There were no crimes during this time period that manifested evidence of prejudice based on **perceived race, religion, sexual orientation, gender, gender identity, disability, national origin, or ethnicity.**

2020 Statistics

Mohawk Valley Community College – Utica Campus 2020 Clery Statistics

Offense	On-Campus	Non-Campus	Public Property	On-Campus Residence Halls
<b>Criminal Homicide Offenses</b>				
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
<b>Sex Offenses</b>				
Rape	0	0	0	0
Fondling	0	0	0	0

Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>Other UCR Offenses</b>				
Robbery	1	0	0	0
Aggravated Assault	1	0	0	0
Arson	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
<b>Liquor, Drug &amp; Weapons Offenses</b>				
Liquor Law Arrests	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0
Drug Law Arrests	1	0	0	0
Drug Law Disciplinary Referrals	0	0	0	0
Weapon Law Arrests	0	0	0	0
Weapon Law Disciplinary Referrals	0	0	0	0
<b>Vawa Offenses</b>				
Stalking	3	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
<b>Unfounded Offenses</b>				
Unfounded	1	0	0	0
<b>Hate/Bias Offenses</b>				
	1	0	0	0

There were no reported crimes during this time period that manifested evidence of prejudice based on **perceived race, religion, sexual orientation, gender, gender identity, disability, national origin, or ethnicity**.

2019 Statistics

Mohawk Valley Community College – Utica Campus 2019 Clery Statistics

<b>Offense</b>	<b>On-Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>On-Campus Residence Halls</b>
<b>Criminal Homicide Offenses</b>				
Murder/Non-Negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
<b>Sex Offenses</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>Other UCR Offenses</b>				
Robbery	0	0	0	0
Aggravated Assault	2	0	0	0
Arson	0	0	0	0
Burglary	1	0	0	0
Motor Vehicle Theft	0	0	0	0
<b>Liquor, Drug &amp; Weapons Offenses</b>				
Liquor Law Arrests	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0
Drug Law Arrests	4	0	2	0

Drug Law Disciplinary Referrals	0	0	0	0
Weapon Law Arrests	0	0	0	0
Weapon Law Disciplinary Referrals	0	0	0	0
<b>Vawa Offenses</b>				
Stalking	9	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	1	0	0	0
<b>Unfounded Offenses</b>				
Unfounded	1	0	0	0
<b>Hate/Bias Offenses</b>				
	0	0	0	0

There was 1 reported crime during this time period that manifested evidence of prejudice based on **perceived race, religion, sexual orientation, gender, gender identity, disability, national origin, or ethnicity**. There was 1 reported instance of **intimidation** based on **ethnicity** which reported occurred On-Campus property.

## **Appendix A**

### **Emergency Evacuation Procedures**

Evacuation of buildings is kept to a minimum so as not to disrupt activities or have complacency set in. When the fire alarm is initiated and an evacuation is in progress, elevators are not to be used and are kept for use by Department of Public Safety personnel only.

#### **Procedure**

- 1) Upon initiation of the fire alarm, the building should be evacuated of all people as quickly as possible. All faculty, staff and students shall take all their personal items with them. In the event the audible fire alarm does not activate, Department of Public Safety personnel with the assistance of Facilities and Operations personnel, will conduct a systematic search of the entire building to inform occupants to evacuate. Upon completion of the room-by-room search, Public Safety and Facilities & Operations persons will position themselves at the building doors to prevent anyone from re-entering.
- 2) The faculty are to review evacuation procedures during the first week of classes. Faculty and staff are to ensure the complete evacuation of their areas of responsibility. Turn off lights and close the door behind you. Escort any students with mobility impairments to the closest "Area of Refuge" or "Area of Rescue Assistance" and wait until Department of Public Safety personnel or Facilities and Operations personnel arrive.
- 3) All persons will move in an orderly manner, to a safe distance of not less than 50 feet from the building and out of roadways.
- 4) Any persons (college students or employees) with special needs should be attended to as quickly and safely as possible (see evacuation of mobility impaired below).
- 5) Under no conditions will evacuees be allowed back into a building until the building has been inspected and found safe for re-entry. Only Department of Public Safety personnel and Emergency personnel can give an "all clear" signal.

MVCC IS NOT RESPONSIBLE FOR ITEMS LEFT IN THE BUILDING

## **Emergency Evacuation Guidelines for individuals with Disabilities**

MVCC is committed to providing equal access to safe egress for any visitor or member of the community including additional assistance if required, to effectively alert, evacuate, and/or shelter them during an emergency. To be successful in providing this assistance, the Emergency Evacuation Procedures require the cooperation of every member of the College community. Some members of the community are specially trained to identify and assist persons who may need aid in an emergency.

Any individual requiring assistance is encouraged to develop a Personal Emergency Plan (PEP) and update his/her self-identification information semi-annually, no later than September 30 and February 30 of each calendar year, or whenever circumstances warrant an update (e.g., changes in his/her condition that would require a change in assistance).

During the first class of each semester, faculty should announce the locations of fire exits and Areas of Rescue /Safe Wait Areas serving that classroom and/or lab. They will also review the requirement to leave the facility and follow instructions of safety personnel whenever an alarm sounds. They will also remind students to assist people with disabilities, and to let Public Safety personnel know of the location of anyone who cannot leave the building independently.

A part of every faculty and staff orientation package includes an introduction to the College's Emergency Evacuation Procedures, and an opportunity to initiate a Personal Emergency Plan (PEP).

At all MVCC on-campus events, including Cultural Series and DGV events, the 'housekeeping announcement' proceeding each occasion includes identification of the exits and Areas of Rescue available in case of emergency.

Residence Hall personnel introduce new students to the College's Emergency Evacuation Procedures, and have information on where to go on campus to prepare a Personal Emergency Plan (PEP). If students live in the residence halls, the residence hall evacuation plan is discussed as part of student orientation

People with disabilities will often need assistance to evacuate.

- DO NOT use elevators, unless authorized to do so by police or fire personnel. Elevators could fail during a fire or other events.
- Check on people with mobility, hearing, emotional, or visual disabilities during an evacuation.
- Attempt a rescue evacuation ONLY if you have had rescue training or the person is in immediate danger and cannot wait for professional assistance.
- The individual with the disability is the best expert in his or her disability, so ask that individual for advice before lifting or moving that person.
- Take extra time when communicating with people who are deaf, hearing impaired, or speech impaired.
- Never separate a disabled person from his or her assistive aids: wheelchairs, canes, hearing aids, medications, special diet food, urinary supplies, etc.
- A disabled person's equipment may not be working after a disaster occurs, or it may be insufficient for emergency circumstances.
- A service animal, usually a dog, is an assistive aid used by some blind, deaf and mobility impaired people. A disaster may temporarily confuse service animals and they may not be able to help their owners as effectively as before the disaster.
- Some individuals with emotional and learning disabilities may be too unsettled to respond appropriately to instructions and directions, such as a public address announcement to

evacuate a building. Some individuals with disabilities may need to be in a quiet place for a while to regain their composure.

- Some individuals with significant emotional or learning disabilities might not understand the significance of "Keep Out" signs and barricade tape.

## Specific Disability Guidelines for Responses to Emergencies

**Blindness or Visual Impairment:** Give verbal instructions to advise about safest route or direction using compass directions, estimated distances, and directional terms.

DO NOT grasp a visually impaired person's arm. Ask if he or she would like to hold onto your arm as you exit, especially if there is debris or a crowd.

Give other verbal instructions or information (i.e. elevators cannot be used).

**Deafness or Hearing Loss:** Get the attention of a person with a hearing disability by touch and eye contact. Clearly state the problem. Gestures and pointing are helpful, but be prepared to write a brief statement if the person does not seem to understand.

Offer visual instructions to recommend the safest route or direction by pointing toward exits.

**Mobility Impairment:** It may be necessary to help clear the exit route of debris (if possible) so that the person with a disability can move out or to a safer area.

If people with mobility impairments cannot exit, they should move to a safer area, e.g. most upper floors have a Designated Waiting Area (Area of RESCUE/Safe Waiting Area) to wait for assistance from first responders.

If you do not know the designated waiting areas in your building, areas of rescue locations are going to be described online (soon) or you may call the campus public safety office at 792-5566. PUBLIC SAFETY EMERGENCY NUMBER 5 7 7 7 dialed by a campus phone will access the public safety department between Utica and Rome campuses by dialing the four digit extension number.

Public Safety, police or fire personnel decide whether people are safe where they are, and will evacuate them as necessary. The Fire Department may determine that it is safe to override the rule against using elevators.

If people are in immediate danger and cannot be moved to a safer area to wait for assistance, it may be necessary to evacuate them using an evacuation chair or a carry technique. In an emergency, notify police or fire personnel immediately about any people remaining in the building and their locations.

## Evacuating individuals with a wheelchair:

Always ASK people with disabilities how you can help BEFORE attempting any rescue technique or giving assistance. Ask how they can best be assisted or moved, and if there are any special considerations or items that need to come with them. Discuss with the user of the wheelchair how to lift the user and the wheelchair either together or separately. When circumstances necessitate separating the user and the wheelchair, keep the period of separation to a minimum.



Some parts of a wheelchair are safe to lift from, others may separate when lifted. Always ask the user to confirm where it is safe to lift from. Also, ask the user what else about his or her wheelchair you should know in order to lift it safely.

Wheelchairs with four wheels (not three-wheeled scooters) usually have handbrakes on each side of the chair. When the wheelchair is to remain stationary, set both brakes.

When more than one flight of stairs is traversed, helpers may need to switch positions since one person may be doing most of the lifting. Switch positions only on a level landing.

When the lifting is complete, follow the instructions of the chair's user and restore the manual or motorized wheelchair to full operation; then direct the user to a safe area.

Evacuating a person with a disability or injury yourself is the last resort. Consider your options and the risks of injuring yourself and others in an evacuation attempt. Do not make an emergency situation worse. Evacuation is difficult and uncomfortable for both the rescuers and people being assisted. Some people have conditions that can be aggravated or triggered if they are moved incorrectly. Remember that environmental conditions (smoke, debris, loss of electricity) will complicate evacuation efforts.

Proper lifting techniques (e.g. bending the knees, keeping the back straight, holding the person close before lifting, and using leg muscles to lift) should be used to avoid injury to rescuer's backs. Ask permission of the evacuee if an evacuation chair or similar device is being considered as an aid in an evacuation. When using such devices, make sure the person is secured properly. Be careful on stairs and rest at landings if necessary.

## Power Outages:

If an outage occurs during the day and people with disabilities choose to wait in the building for electricity to be restored, they can move near a window where there is natural light and access to a working telephone. Building Coordinators should be notified so they can advise emergency personnel.

If people would like to leave and an evacuation has been ordered, or if the outage occurs at night, call the Utica Campus Department of Public Safety at 315-731-5777 or 5777 or on the Rome campus at 315-334-3559 or 7270 from a campus telephone to request evacuation assistance.

## Summary

- Remind all people to leave the facility.
- Close doors when rooms are cleared.
- Identify the location(s) of people who need assistance evacuating.
- Report the location(s) of people who need assistance evacuating.

Everyone needs to take responsibility for preparing for emergencies. People with disabilities should consider what they would do and whether they need to take additional steps to prepare. If someone with a disability or medical condition has not prepared a Person Emergency Plan, please ask them to meet with a member of the disability office. This Personal

Emergency Plan (PEP) will be available to the MVCC Health center and Public Safety departments and used confidentially only in need of an Emergency situation.

#### For more information:

##### Public Safety:

Chief David Amico, Executive Director of Public Safety and Emergency Management

Department of Public Safety

Academic Building room 106D, UTICA CAMPUS

Email Address: [damico@mvcc.edu](mailto:damico@mvcc.edu) 315-792-5566

##### Disability Services:

Tamara Mariotti, Coordinator of Disability Services 504/ADA Coordinator

Office of Accessibility Resources

Wilcox Hall room 129E, UTICA CAMPUS

Email Address: [tmariotti@mvcc.edu](mailto:tmariotti@mvcc.edu) 315-792-5644

##### Environmental Health and Safety:

George Aylesworth, Environmental Health & Safety Specialist

Department of Public Safety

Academic Building room 106G, UTICA CAMPUS

Email Address: [gaylesworth@mvcc.edu](mailto:gaylesworth@mvcc.edu) 315-792-5566

##### Human Resources:

Crystal Marceau, Director of Human Resources

Human Resources

Academic Building room 113, UTICA CAMPUS

Email Address: [cmarceau@mvcc.edu](mailto:cmarceau@mvcc.edu) 315-792-5637

*MVCC Utica CAMPUS MAP*

